

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK MONACO BAZZO,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.
Defendants.

No. 1:23-cv-01454-KES-SAB (PC)
ORDER DENYING PLAINTIFF'S MOTION
TO TRANSFER ACTION
(ECF No. 15)

Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the instant action on September 13, 2023, along with a motion to proceed in forma pauperis. (ECF Nos. 1, 2.) Plaintiff's prison trust statement was submitted on September 15, 2023. However, on October 12, 2023, the Court ordered Plaintiff to submit an application to proceed in forma pauperis by a prisoner. (ECF No. 7.) Plaintiff filed the proper motion to proceed in forma pauperis on October 24, 2023. (ECF No. 9.)

On October 25, 2023, the Court issued Findings and Recommendations recommending that Plaintiff's motion to proceed in forma pauperis be denied because his prison trust account statement reflected sufficient funds to pay for the action at the time it was filed. (ECF No. 11.) On November 3, 2023, Plaintiff filed objections to the Findings and Recommendations. (ECF No. 12.) The Findings and Recommendations are pending review by the assigned District Judge.

On October 15, 2024, Plaintiff filed the instant motion to transfer this action to the United

1 States District Court for the Northern District of California. (ECF No. 15.) Plaintiff submits that
2 he “understands that the Hon. District Court Judge E.J. Davila, is allowing the consolidation of
3 PRO SE actions to flow into the class action lawsuit, both for judicial economy and prevention of
4 chaotic duplication.” (ECF No. 15 at 1.) Plaintiff’s request must be denied.

5 The system of multidistrict litigation is authorized by 28 U.S.C. § 1407. The law created a
6 panel of Article III judges, the Judicial Panel on Multidistrict Litigation, with the discretion to
7 transfer “civil actions involving one or more common questions of fact [that] are pending in
8 different districts ... to any district for coordinated or consolidated pretrial proceedings.” 28
9 U.S.C. § 1407(a). A Section 1407 transfer can only be made by the Panel, and only upon the
10 Panel’s determination that that transfer would serve “the convenience of parties and witnesses”
11 and “promote the just and efficient conduct of such actions.” *Id.*

12 Notwithstanding the lack of information regarding the alleged consolidated action in the
13 United States District Court for the Northern District of California and given the procedural
14 posture of this case, there is simply no basis to transfer this case to the Northern District, and
15 Plaintiff’s motion must be denied.

16
17 IT IS SO ORDERED.

18 Dated: **October 16, 2024**


UNITED STATES MAGISTRATE JUDGE